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AN ORDINANCE REPEALING §20.05 OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON AS THAT SECTION RELATES TO LAKE KEESUS AND CREATING §20.08 OF THE GENERAL CODE OF ORDINANCES REGULATING WATER TRAFFIC, BOATING AND WATER SPORTS ON THE WATERS OF LAKE KEESUS

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The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1. Section 20.05 of the General Code of Ordinances of the Town of Merton is repealed so far as that section regulates water traffic, boating and water sports on Lake Keesus. Section 20.05 remains in effect to regulate water traffic, boating and water sports on Moose Lake.

SECTION 2. Section 20.08 is created to read:

20.08 LAKE KEESUS.

(1) APPLICABILITY AND ENFORCEMENT. The provisions of this section and §20.01, §20.02 and §20.03 shall apply to the waters of Lake Keesus within the jurisdiction of the Town of Merton. The provisions of §20.02 and this section shall be enforced by the officers of the Water Safety Patrol of the Town of Merton.

(2) SPEED RESTRICTIONS.

(a) Night Limit. No person shall operate a boat at a speed in excess of slow-no-wake from sunset each day to 9:00 a.m. the following day.

(b) Controlled Area. No person shall operate a boat at a speed faster than slow-no-wake in an area of Marquardt Bay lying westerly of the north/south line extending from the southwest corner of Lot 29 of Florencetta Heights Subdivision, due south to a point on the shore of Marquardt Bay. For purposes of enforcement, this restricted area will be indicated by appropriate slow-no-wake regulatory markers.

(3) STATIONARY OBJECTS.

(a) Reflectors Required. All piers, rafts, ski jumps or other stationary objects extending into or located upon the waters of Lake Keesus shall have red reflectors on each side, with the exception of ski jumps which shall

not be required to have a reflector on the approach side. All reflectors shall be not less than 3" in diameter and shall be placed as close to center as possible on each side of rafts, ski jumps and other stationary objects.

- (b) Fixed and Floating Structures. Moored, anchored and drifting boats and other fixed and floating structures, except duck blinds constructed in emergent vegetation, outside of the designated anchorages or beyond 200' from the shoreline, shall be lighted from sunset to sunrise by a white light visible all around the horizon.
- (c) Rafts. No person shall place or maintain any swimming raft or similar platform more than 100' from shore. Such raft or platform shall be anchored and shall have a minimum of 10" of freeboard above the water line. Each raft or platform shall be painted white and have reflectors attached to each side of it. Swimming rafts placed in a navigable waterway for swimming and diving purposes are only permitted if they do not interfere with public rights in navigable waters or with the rights of other riparian proprietors.
- (d) Permits Required.

1. No water ski jump shall be placed upon the waters of Lake Keesus at any time unless a permit is obtained from the Town Board of the Town of Merton after recommendation by the Water Safety Patrol. No raft or other stationary object shall be placed more than 100' from the shore unless a permit is obtained from the Town Board after recommendation by the Water Safety Patrol.

2. A permit issued under this section shall specify the location of the ski jump, raft or other structure and shall not be issued if the proposed use interferes with public rights in navigable waters or the rights of other riparian proprietors.

(4) LITTERING AND POLLUTING PROHIBITED. No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste into the water.

(5) RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.

- (a) No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting events or exhibitions unless such event has been authorized

and a permit issued by the Town Board after recommendation of the Water Safety Patrol.

- (b) A permit issued under this section shall specify the location, time and activities to be allowed.
- (c) No permit shall be issued if the proposed use of the water will unreasonably interfere with public rights in navigable waters or unreasonably interfere with the rights of other riparian proprietors. If permits are issued, they shall be valid only for the dates, hours and the area specified. Pursuant to NR 5.19 of the Wisconsin Administrative Code, exemptions to §30.61(1) or (10), §30.62(2), §30.66, §30.68(4m), §30.69(1m)(c) or (3)(a) to (c), Wis. Stats., are granted to persons participating in water exhibitions or races.

(6) MARKERS AND NAVIGATION AIDS.

- (a) Notice and Posting. The Lake Keesus Management District, upon authorization and direction of the Water Safety Patrol, will place and maintain suitable markers and navigation aids.
- (b) Standard Markers. All markers placed on the lake by any other person upon the waters of Lake Keesus shall be by permit from the Water Safety Patrol and shall comply with the regulations of the Department of Natural Resources, NR 5.09, Wisconsin Administrative Code.

(7) ADDITIONAL WATER SKIING REGULATIONS. In addition to §30.69, Wis. Stats., the following regulations shall apply to water skiing, aquaplaning or similar activities on the waters of Lake Keesus.

- (a) Restricted Hours. No person shall water ski, aquaplane or engage in similar activities or operate any motor boat towing a person engaged in water skiing, aquaplaning or similar activities on Saturday, Sunday and any federally-approved legal holiday at any time between 6:00 p.m. and 9:00 a.m. of the following day.
- (b) Restricted Operation. No person shall operate a motor boat and tow more than two water skiers at one time or participate in similar activities on Saturday, Sunday and any federally-approved legal holidays unless participating in a permitted event.

(8) PENALTY. Wisconsin State Boating Penalties as found in §30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial

Conference are hereby adopted by reference, with all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon passage, posting and publication as required by law.

DATED: \_\_\_\_\_

TOWN OF MERTON

By: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk